

AFFIDAVIT IN SUPPORT A CRIMINAL COMPLAINT

I, Nicholas J. Deserio, a Task Force Officer (TFO) with the Federal Bureau of Investigation (hereinafter "FBI"), Cleveland Division, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your affiant is an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in 18 U.S.C § 2516.

2. Your affiant is currently employed as a Detective with the Portage County Sheriff's Office in Ohio (PCSO) and is assigned as a sworn TFO to the FBI. As such affiant is deputized and authorized to conduct investigations on behalf of FBI. Affiant has been so assigned since August 2022 and is currently assigned to the Cleveland Division, Akron Resident Agency. Affiant has participated in investigations targeting individuals who trade Child Sexual Abuse Material (CSAM) in the Northern District of Ohio.

3. This affidavit is being submitted for the limited purpose of establishing probable cause to believe that Matthew Peter Puszak (Puszak), born in 1984, has violated 18 U.S.C. § 2252(a)(2) - Receipt and Distribution of Visual Depictions of Minors Engaged in Sexually Explicit Conduct.

4. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents (SA), Task Force Officers, and FBI Analysts; written reports about this and other investigations that the affiant has received directly or indirectly, from other law enforcement agents; information gathered from the results of physical surveillance conducted by law enforcement agents; reporting by eye-witnesses; the execution of federal search warrants, an interview of Puszak and his associates; independent investigation and analysis by FBI agents/analysts; and affiant's experience,

training and background as a Task Force Officer of the FBI and Detective with the Portage County Sheriff's Office. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, your Affiant has not included each and every fact known to him concerning this investigation. Instead, your affiant has set forth only the facts that he believes are necessary to establish probable cause for the requested complaint.

STATUTORY AUTHORITY

5. This investigation concerns alleged violations of Title 18, United States Code, § 2252(a)(2), relating to material involving the sexual exploitation of minors.

- a. 18 U.S.C. § 2252(a)(2) and (b)(1) prohibit any person from knowingly receiving or distributing, or attempting or conspiring to receive or distribute, any visual depiction using any means or facility of interstate or foreign commerce, or that has been mailed or shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproducing any visual depiction for distribution using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce or through the mails, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

6. On or about September 8, 2022, FBI Special Agent Peter J Mauro, and affiant met with members of the Cuyahoga Falls Police Department in reference to CyberTip 129291428, that was reported by Snapchat, owned by Snap, Inc., to the National Center for Missing and Exploited Children ("NCMEC") on or about July 26, 2022. The Cybertip was then forwarded by NCMEC to the Ohio

Internet Crimes Against Children Task Force (ICAC), who then forwarded the tip to the Cuyahoga Falls Police Department for further investigation. The contents of CyberTip 129291428, including CSAM, were provided to affiant for further investigation.

7. Affiant reviewed the above CyberTip which references Snapchat user “meatball84216” uploading, saving, or sharing CSAM. Also provided in the CyberTip was subscriber information regarding Snapchat account “meatball84216”. I observed the following subscriber data associated with the Subject Account:

- **Phone:** 1-216-409-XXXX [redacted]
- **Date of Birth:** XX-XX-1984 [redacted]
- **Screen/Username:** meatball84216
- **IP Address:** 2600:1009:b069:cee:4106:9eb0:bce3:c47c at 6-23-2022 09:47:12 UTC

8. There was one CSAM video associated with this CyberTip which was titled “meatball84216-None-22d293d0-2aff-5f7e-a2c6-2841264fa87e~298-e21cbb622f.mp4”. Snapchat included a timestamp of 2022-07-25T21:07:36Z. This translates to 5:07pm on July 25, 2022. Snapchat qualified that timestamp as when “the user saved, shared, or uploaded this media file”. The file is an approximately 42 second color video which depicts an approximately eight-year-old Caucasian female with brown hair, lying face down next to an unidentified adult male. Both were completely nude, and the male was engaged in the act of masturbation. The female’s face was by the male’s erect penis. Approximately three seconds in the female puts her mouth on the male’s penis and performs fellatio on the man until he ejaculates. FBI investigation revealed that the user of Snapchat account meatball84216, and the telephone number 216-409-XXXX [redacted] was Matthew Puszak.

9. On or about September 27, 2022, a federal search warrant was served on Snap Inc for the contents of the account “meatball84216”. On October 13, 2022, Affiant began reviewing the contents of

the account for meatball84216 provided by Snap, Inc. An excel spreadsheet labeled “subscriber information” showed that the user-entered display name on the account was “Matthew Puszak.” A review of the media in the account revealed an additional CSAM video to the one listed in the CyberTip, and two CSAM images.

10. Snap, Inc. also provided several excel spreadsheets labeled “conversations” in which “meatball84216” (Puszak) can be seen discussing the trading of CSAM with other users. In one chat, Puszak asks another user “Hey there so what is the youngest pxxxx [redacted] pics u have and are willing to sell”. In another thread a user is asking “meatball84216” if he has more “nudes”. Puszak responds “Lol no now it’s going to be the kid stuff if you are into that” the other user responds asking for “meatball84216” to give an example and he says “I have kids in panties really or topless”. In another thread another user comments on the fact that “meatball84216” has “quite the collection” and “meatball84216” claims to have been doing this for around four years.

11. On or about November 1, 2022, FBI Agents, TFO’s and your affiant executed a federal search warrant on Puszak’s residence and person. Affiant and FBI SA Mauro conducted an interview with Puszak in which he admitted to transmitting and receiving Child Sexual Abuse Material (CSAM) between on or about April 1, 2022, and as recently as the previous night. Puszak described the CSAM file that he shared as an image of a baby performing fellatio on an adult male. Puszak stated that he had received the image via his Kik account in the days prior.

12. On or about November 1, 2022, an FBI Polygraph Examiner Special Agent conducted a voluntary interview of Puszak. Puszak admitted to the polygraph examiner that he viewed visual depictions of minors engaged in sexually explicit conduct on approximately 100 occasions via Kik and Snapchat.

13. KIK is a free application that is downloaded from the Internet. KIK Messenger (aka KIK) advertises itself as “the first smartphone messenger with a built-in browser.” KIK features include instant messaging, and KIK users can exchange images, videos, sketches, stickers and even more with mobile web pages.

14. KIK offers users the ability to create an identity within the app referred to as a “username”. This username is unique to the account and cannot be changed. No one else can utilize the same username. The username for a particular KIK account holder is generally displayed in their KIK profile.

15. In October 2019, KIK, formerly headquartered in Canada, was purchased by MediaLab.ai Inc., a company operating in the United States in California.

16. Affiant conducted a cursory review of the contents of Puszak’s phone seized pursuant to the federal search warrant and observed a sizable cache of child pornography. Specifically, your affiant observed a color image transmitted on or about October 27, 2022, at 8:36pm EST to Puszak from another Kik user. This image depicted an approximately three-year-old female with no clothing on her upper body performing fellatio on an adult male’s erect penis. The female has what appears to be ejaculate on her hand.

17. Affiant conducted a cursory review of Puszak’s KIK account which was logged into on his cellular telephone. Affiant observed a message Puszak transmitted to another identified Kik user which states “If u can get some pic of some girls or baby’s I will take some pics of my roommate XXXXX [redacted] for u”. Affiant knows Puszak has a roommate [description of minor redacted] that Puszak had access to for more than a year.

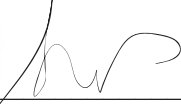
CONCLUSION

Based on the above information, probable cause exists that Matthew Peter Puszak violated has violated 18 U.S.C. § 2252(a)(2) - Receipt and Distribution of Visual Depictions of Minors Engaged in Sexually Explicit Conduct.



Nicholas J. Deserio, Task Force Officer
Federal Bureau of Investigation

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1, on this 1st day of November, 2022 in Cleveland, Ohio.



Amanda M. Knapp
United States Magistrate Judge